

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
MARCH 7, 2005**

PRESENT: Leon Lauer, Mary Blake, Jeannine Bush, Janice Boeck, Jeffrey Patterson, and E. Rod Gottfredsen

EXCUSED: Lee Martinez

STAFF PRESENT: Jerry Lowrie, Bureau Director; Dennis Schuh, Legal Counsel; Pat Schenck, Program Assistant; Dr. Barbara Showers, Director, Office of Education and Examination; Judy Mender, Credentialing; Darwin Tichenor, Exam Specialist; and Division of Enforcement Staff

GUESTS: Jan Studesville, Just Nails/NCA WI; Mary Kiley, NCAWI; Lorraine Botelho, Lorraine's Salon; Avita Regan, Aviderm, LLC; Ken Moore, and Mary Pierce from DWD/BAS; Mary Kardoskee, NCAWI; LaMente Johnson, Karen Kraus, Lakisha Colbert, Elizabeth Franklin, and Neda Ahmad from MATC Milwaukee; Jett Koldene-Nehls, Andrea Scheffner, Heather Ebert, Heather Walker, Krista Barnette, Terri Battge, Lynn Schultz, Caroline Norman, Kathy Schauer, Jessica Gilmore, Rachel Pihringer, Timothy Retic, Nicci Mane, Heather Gott, Kara Jones, Caitie Larkin, Catherine Bart, Maggie Hareng, Amanda Yracy, Michael Grober, Jenni Walter, Jessica Schwaller, Sra Arn, Lauren Maxwell from WCTC Pewaukee; Alicia Harris, MATC Madison; Lauri Thomas, Marita Mack, Michelle Mueller, Sam Mueller, Natalie Dan, Heather Schoen, Melanie Wilson from Alexander Thomas School of Esthetics; Andi Burns, Gina Scalcucci, Janet Krzmarcill, Jenny Brandl, Jennifer McKenna, Stephanie Solin, Nancy Mona, Michael Tobin and Cassie Hegna from the State College of Beauty Culture, Wausau.

CALL TO ORDER

Leon Lauer, Chair, called the meeting to order at 9:30 a.m. A quorum of six members was present.

Mr. Lauer welcomed MATC Milwaukee students, WCTC Pewaukee students and other guests attending the meeting.

AGENDA

Additions to agenda:

- Add "Appoint Screening Panel Members by Board Chair" after Item # 3.
- Add four case closings to Item 21. b. – 02 BAC 085, 04 BAC 023, 02 BAC 122, 03 BAC 078.
- Move 02 BAC 049 from Item 21. b. to Item 21. c.
- Move 02 BAC 028 from Item 21. b. to Item 21. c.
- Change 21.b. xii to 04 BAC 037.

MOTION: Mary Blake moved, seconded by Janice Boeck, to approve the agenda with amendments. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2005

The Barbering and Cosmetology Board held open elections for Board Officers for 2005.

MOTION: Jeannie Bush moved, seconded by Mary Blake, to nominate and elect Leon G. Lauer as Chair. Motion carried unanimously.

MOTION: Mary Blake moved, seconded by Janice Boeck, to nominate and elect Jeannie M. Bush as Vice Chair. Motion carried unanimously.

MOTION: Mary Blake moved, seconded by Jeannie Bush, to nominate and elect Jeffrey A. Patterson as Secretary. Motion carried unanimously.

APPOINT BOARD REPRESENTATIVES FOR SCREENING PANEL

Chair, Leon Lauer called for board members to serve as screening panel members. Mary B. Blake and Jeffrey A. Patterson will serve as screening panel member for 2005.

MINUTES OF DECEMBER 6, 2004

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to approve the minutes of December 6, 2004 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT - JERRY LOWRIE, BUREAU DIRECTOR

BOARD ROSTER

The Board members updated e-mail and mailing addresses.

2005 MEETING DATES

The Board will meet on June 6, 2005.

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

DEPARTMENT BUDGET UPDATE

Mr. Lowrie reported on the Governor's budget reduction of 10% along with staff reductions by 11.85 positions. The Governor's budget proposal is to restructure the Department by moving attorneys,

paralegals, human resource staff, and payroll benefit services to the Department of Administration. Consolidate attorneys to become part of an enterprise-wide law firm. This would reduce the Department positions by 28 full time employees. The expenditure authority would remain to purchase services from the Department of Administration. Investigators and other Division of Enforcement staff will remain at the Department.

DEPARTMENT TRAVEL POLICY

Mr. Lowrie reported on the Department's travel and hotel reservation policies. The Department will fund one Board or Section members travel expenses per fiscal year for each Board and each individual Section.

WISCONSIN TECHNICAL COLLEGE SYSTEM MEETING

The Wisconsin Technical College System Office is sponsoring a state-called meeting for WTCS Barber/Cosmetology Full-Time Program and Apprenticeship Administrators/Coordinators/Instructors on Thursday, April 7, 2005 at the Wintergreen Resort and Conference Center, Mount Blanc Room, 60 Gasser Rd. Wisconsin Dells, WI. Janice Boeck will be attending this meeting and Mr. Lowrie will attend the afternoon session.

Dr. Showers met with the Board to report on the Wisconsin Technical College System on-line delivery mode for theory-based portions of the curriculum and Manager's License program. Not all courses would be approved for on-line courses. Whether or not students get the same amount of training and schooling on-line verses the classroom was discussed at length. Currently the Department does not have any rules in place that address on-line courses and on-line testing. The Department approves the private schools and the practical part of the curriculum.

Students in apprentice program are still doing hands on training. The entire curriculum is not all on-line and the apprenticeship program has not yet been approved.

The Board will discuss this further at the June 6, 2005 meeting to begin the rule-making process, if needed. A request was made to include private schools on the rule-making process.

TRAVEL

MILWAUKEE SPEAKING ENGAGEMENT WITH MICHELLE KRISHER

Greg Raube and Michelle Krisher met with the Board to discuss requests for speakers from the Department to speak at schools in relation to practice and enforcement issues and requested a Board liaison for speaking engagements if requested.

MOTION: E. Rod Gottfredsen moved, seconded by Jeffrey Patterson, to nominate Mary Blake as the Board liaison for speaking engagements, if needed. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULES DISCUSSION

Microdermabrasion and Chemical Peels

The Board reviewed and discussed the draft rules related to Microdermabrasion and Chemical Peels at length. Guests participated in the discussion regarding the training and qualifications of licensees performing microdermabrasion.

Janice Boeck and Jeannie Bush will review the draft rules with Dennis Schuh prior to the rules being sent on to the clearinghouse.

BC 2.03 Practice Standards – Discrimination Policy

Mr. Lowrie reported that the rule change request to draft language to include discrimination under BC 2.03 Practice Standards is awaiting approval from the Secretary's Office and will be included on the June agenda.

BC 4.03 Sterilization Pressure

Mr. Lowrie reported that the scope statement to include pressure under BC 4.03 Sterilization will be completed and included on the June agenda.

BC 2.045 Services Outside of a Licensed Establishment

Mr. Lowrie reported that the scope statement to draft language under BC 2.04 Services Outside of a Licensed Establishment will be completed and included on the June agenda.

BC 1 (6) Definition of Disinfectant

Mr. Lowrie reported that the scope statement for the rule-making process to draft language under BC 1 (6) Bleach as a Disinfectant will be included in the June agenda.

Board Member Composition Change - 15.405 (17)

The Board made a motion on December 6, 2004 to request that the legislature change the language regarding board composition of the representative of the private schools of barbering or cosmetology to include the private school of a component part of barbering or cosmetology.

Mr. Lowrie reported that a legislative request for a statute change has been made regarding the composition of the Board.

Sterilization AEA Standards

A separate rule needs to be drafted for infection control for electrologists only. Mr. Lowrie reported that Illinois has a separate license for electrologists.

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to request that a scope statement be drafted to separate rules regarding sterilization issues for electrologists. Motion carried unanimously.

RECIPROCITY ISSUES

None.

EXAMINATION AND EDUCATION

Criteria for Schools to use in Evaluating Out-of-State Training – Darwin Tichenor

Mr. Lowrie reported that all schools should be consistent when evaluating out-of-state training.

Schools are required to complete a three part evaluation in order to certify the equivalency of the out-of-state training and certify an applicant as eligible for the Wisconsin Licensing examination. The three elements of the evaluation are:

1. Validation of documentation showing applicant training and graduation.
2. Comparison of training topics and hours with Wisconsin Administrative Code BC 5.
3. Provision of testing which provides substantial evidence of the applicant's incorporation of knowledge and skills from the previous barbering and cosmetology training.

All applicants for evaluation must have a certificate of graduation and official documents from the out of state barbering and cosmetology school showing hours of attendance and time spent in hours of study. The procedures for schools to use when evaluating training will be posted on the Departments web-site.

DISCUSSION OF BC 2.025- MEDICAL SUPERVISION

Angela Arrington addressed the Board to discuss appropriate direction and supervision issues, providing microdermabrasion, laser hair removal and chemical peels without physician supervision. The Board discussed clarifying the rule in regards to direct supervision, general supervision, who should be conducting the supervision, and defining what needs to be under general supervision verses direct supervision. Electrologists are also conducting laser hair removal. Including a supervision rule for all credentials conducting laser hair removal was discussed.

The Division of Enforcement requested the Boards interpretation of BC 2.025(1) to define and narrow down the interpretation regarding supervision.

Requesting malpractice insurance coverage for some specialties was discussed.

Jeanie Bush, Janice Boeck, and Dennis Schuh will review the rules to include laser hair removal under BC 2.025 (1).

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to request that Jeannie Bush, Janice Boeck and Dennis Schuh review draft rule changes related to microdermabrasion and chemical peels to include laser hair removal under BC 2.025 (1). Motion carried unanimously.

PRACTICE ISSUES

Discussion of Foot Spas

The Board reviewed and discussed recommendations for disinfection of foot spas from the Division of Health, Bureau of Communicable Diseases and Preparedness. EPA registered disinfectants must have a 10-minute contact time on pre-cleaned surfaces to be effective. In pedicure equipment, correct use of these requires that the proper dilution be circulated through the unit for 10 minutes after each client.

Licensees should protect themselves when cleaning and disinfecting foot spas by wearing gloves.

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to select and request that the Recommendations for Disinfection of Foot Spas published by the Division of Public Health, Bureau of Communicable Diseases and Preparedness dated September 2004 be included to the Department's web-site. Motion carried unanimously.

NEW BUSINESS

None.

BOARD MEMBER ACTIVITY

Jeffery Patterson- Discussion of the History of the Union Between the Barber and Cosmetology Profession

The Board discussed the merging of the Barber and Cosmetology in the 70's. The Chair stated that the Governor directed the Department to merge the Barbering and Cosmetology Boards as they felt that they were similar. A Committee was appointed to write the rules. The Board discussed what procedures would be required to un-merge the Barbering and Cosmetology Board as Wisconsin has a shortage of qualified Barbers and not every Barber is interested in conducting perms and hair dyes.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT SUBMITTED AFTER PRINTING OF THE AGENDA.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: E. Rod Gottfredsen moved, seconded by Janice Boeck , to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Leon Lauer-yes, Jeannie Bush-yes, Janice Boeck-yes, Mary Blake-yes; Jeffrey Patterson-yes; E. Rod Gottfredsen-yes.

Open session recessed at 12:15 p.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE INTO OPEN SESSION

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to reconvene into open session at 12:44 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS AND CITATIONS

MOTION: Janice Boeck moved, seconded by Mary Blake, to close the following cases:
04 BAC 038 for acceptance of citation for an administrative forfeiture.
04 BAC 002 for insufficient evidence.
02 BAC 079 for insufficient evidence.
02 BAC 085 for no violation.
04 BAC 035 for no violation.
04 BAC 010 for no violation.
02 BAC 069 for insufficient evidence.
02 BAC 011 for insufficient evidence.
02 BAC 035 for no violation.
02 BAC 041 for insufficient evidence.
04 BAC 037 for insufficient evidence.
03 BAC 078 for insufficient evidence.
04 BAC 023 for prosecutorial discretion (P5).
02 BAC 122 for prosecutorial discretion (P5).
Motion carried unanimously.

STIPULATIONS

MOTION: Jeannie Bush moved, seconded by Janice Boeck, to accept all the Stipulations and as written in the matter concerning the Board. Motion carried unanimously.

ROBIN SMET 02 BAC 049

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Robin Smet 02 BAC 049**. Motion carried unanimously.

DANNY Q. TRAN 03 BAC 045, 03 BAC 085, 04 BAC 049, 04 BAC 053

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Danny Q. Tran 03 BAC 045, 03 BAC 085, 04 BAC 049, 04 BAC 053**. Motion carried unanimously.

JENNY'S HAIR AND NAILS STUDIO AND JUANITA DE JESUS 04 BAC 064

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Jenny's Hair and Nails Studio and Juanita De Jesus 04 BAC 064**. Motion carried unanimously.

DOUGLAS C. SCHEFFLER 04 BAC 003

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Douglas C. Scheffler 04 BAC 003**. Motion carried unanimously.

RUTH PATRICIA LODES 02 BAC 028

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Ruth Patricia Lodes 02 BAC 028**. Motion carried unanimously.

PROPOSED DECISION

None.

AFFIDAVIT OF COSTS

None.

EXAMINATION ISSUES

Examination Review – Joel Garb

Joel Garb and Dr. Showers met with the Board to discuss reviewing proposals for the Barbering and Cosmetology examination contract. The Department requested a Committee of four Board members to review the proposals in their entirety, and to make a recommendation to the full Board.

Leon Lauer, Janice Boeck, Jeannie Bush, and Jeffrey Patterson will serve on the Committee to review the proposals. The Committee will meet on April 4, 2005 at 8:00-10:30 a.m. Hotel reservations will be made for the Committee members, if needed.

MOTION: E. Rod Gottredsen moved, seconded by Jeffrey Patterson to delegate authority to Leon Lauer, Janice Boeck, Jeannie Bush and Jeffrey Patterson to serve on a Sub-Committee to review Barbering and Cosmetology examination contract proposals. Motion carried unanimously.

**APPLICATIONS
REINSTATEMENT REQUESTS
NEW BUSINESS**

None.

OTHER ITEMS AS DEFINED BY LAW

None.

ADJOURNMENT

MOTION: Mary Blake moved, seconded by Janice Boeck to adjourn the meeting at 12:48 p.m. Motion carried unanimously.

NEXT MEETING: June 6, 2005